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8 UNITED STATES DISTRICT COURT  
9 DISTRICT OF NEVADA

10 GONZALO VILLALOBOS,  
11 Petitioner,  
12 v.  
13 BRIAN WILLIAMS, et al.,  
14 Respondents.  
15

Case No. 2:14-cv-02029-RFB-GWF

**UNOPPOSED MOTION FOR  
EXTENSION OF TIME TO FILE  
AMENDED PETITION FOR WRIT OF  
HABEAS CORPUS**

**(Second Request)**

16  
17 Petitioner Gonzalo Villalobos, by counsel, moves this Court for an Order  
18 extending the time in which he must file an amended petition for writ of habeas  
19 corpus by 90 days from September 28, 2016 to, and including, December 27, 2016.  
20 This motion is based on the attached points and authorities and the record in this  
21 case.

22 Dated this 28th day of September, 2016.

23 Respectfully submitted,

24 RENE L. VALLADARES  
Federal Public Defender

25 /s/ Amelia L. Bizzaro  
26 AMELIA L. BIZZARO  
Assistant Federal Public Defender

**POINTS AND AUTHORITIES**

1  
2           1.       On October 13, 2000, the state charged Villalobos with several crimes  
3 related to a drive-by shooting. The jury convicted him of second-degree murder with  
4 use of a deadly weapon, five counts of attempted murder with use of a deadly  
5 weapon, and six counts of discharging a firearm out of a motor vehicle. The court  
6 sentenced him two consecutive sentences of 10 to life for the second-degree murder  
7 and 2 to 5 years for all of the other counts, some of which were consecutive and  
8 some of which were concurrent. Villalobos is currently incarcerated at Southern  
9 Desert Correctional Center.

10           2.       On March 31, 2016, this Court appointed the Federal Public Defender  
11 as counsel for Villalobos. ECF No. 16. Undersigned counsel filed a notice of  
12 representation on April 14, 2016. ECF No. 17. On May 31, 2016, Villalobos sought  
13 and was granted a previous extension of time. ECF Nos. 18-19. Villalobos' Amended  
14 Petition is currently due September 28, 2016. This is counsel's second request for an  
15 extension of time.

16           3.       Counsel has been diligently working on Villalobos's case. Counsel has  
17 met with him in person with the assistance of a Spanish interpreter and counsel  
18 has reviewed the available file.

19           4.       While working on the case, members of counsel's team realized that we  
20 did not have all of the transcripts and many had yet to be ordered. We ordered the  
21 missing transcripts, which totaled 27 transcripts. The transcripts that the FPD  
22 ordered were not previously created or provided to this Court as exhibits by the  
23 Respondent. Most transcripts are provided within 30 days; however, given the large  
24 number of transcripts we requested, counsel anticipates it may be closer to 60 days.  
25 For this reason, Villalobos requests a 90-day extension.  
26

1           5.       Counsel hopes that this extension will be enough time for the  
2 production of the transcripts as well as for counsel to draft and file the amended  
3 petition. This request is made in good faith and not solely for the purpose of delay.  
4 Rather, the requested 90 days is necessary for counsel to obtain the missing  
5 portions of the record and to complete the amended petition.

6           6.       On September 27, 2016, counsel e-mailed Deputy Attorney General  
7 Matthew Johnson about this request. Atty. Johnson does not oppose to the request  
8 for an extension of time. However, Atty. Johnson expressed that the lack of  
9 objection should not be construed as a waiver of any procedural defenses, as a  
10 concession that any amended petition will be considered timely filed, or as a basis  
11 for equitable tolling.

12           7.       For the reasons above, as well as the record in this case, Villalobos  
13 respectfully asks this Court to grant the request for an extension of time to file the  
14 amended petition and order the amended petition to be filed on or before December  
15 27, 2016.


16           Dated this 28th day of September, 2016.

17                               Respectfully submitted,

18                               RENE L. VALLADARES  
19                               Federal Public Defender

20                               /s/ Amelia L. Bizzaro  
21                               AMELIA L. BIZZARO  
22                               Assistant Federal Public Defender

23                               IT IS SO ORDERED.

24                                 
25                               \_\_\_\_\_  
26                               RICHARD F. BOULWARE, II  
United States District Judge

DATED: 10/10/16.

**CERTIFICATE OF SERVICE**

In accordance with the Rules of Civil Procedure, the undersigned hereby certifies that on this 28th day of September, 2016, a true and correct copy of the foregoing was filed electronically with the United States District Court. Electronic service of the foregoing document shall be made in accordance with the master service list as follows:

MATTHEW S. JOHNSON  
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/s/ Adam Dunn

An Employee of the  
Federal Public Defender,  
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